

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JOHN MCGAHAN,

Plaintiff,

4:23CV3034

vs.

LANCASTER COUNTY,

Defendant.

ORDER TO SHOW CAUSE

This matter comes before the court after a review of the docket and pursuant to [NECivR 41.2](#), which states in relevant part: “At any time, after appropriate notice, a case not being prosecuted with reasonable diligence may be dismissed for lack of prosecution.”

This case was removed to this Court on March 17, 2023. [Filing No. 1](#). Plaintiff moved for Clerk’s Entry of Default as to Defendants Galactic Express, Inc. and Mohammad F. Ghassemi and Clerks Entry of Default against said defendants was entered on August 21, 2023. [Filing No. 20](#). Thereafter, Plaintiff moved for default judgment on November 11, 2023. [Filing No. 22](#). This motion was denied without prejudice to reassertion on November 12, 2023. [Filing No. 28](#). Thereafter, Plaintiff and Defendant TFG Financial Corporation stipulated for dismissal and

TFG Financial Corporation was dismissed on November 28, 2023. Filing No. 36. The claims against the defaulted defendants and Lancaster County¹ remain.

Plaintiff has a duty to prosecute the case with reasonable diligence and advance the case in accordance with the applicable rules and/or take other action as appropriate.

Accordingly,

IT IS ORDERED that Plaintiff shall have until February 5, 2024, to show cause why this case should not be dismissed pursuant to [NECivR 41.2](#) for want of prosecution. The failure to timely comply with this order may result in dismissal of this action without further notice.

Dated this 22nd day of January, 2024.

BY THE COURT:

s/ Jacqueline M. DeLuca

United States Magistrate Judge

¹ Lancaster County disclaimed any interest they may be entitled to under state statute. [Filing No. 1-2 at CM/ECF p. 26](#). However, they are a named defendant and neither Lancaster County nor the Plaintiff has sought dismissal.